IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 2583 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

1 to 5 No

PRASHANT CHANDRAKANT JHA

Versus

STATE OF GUJARAT

Appearance:

MR PK PAREKH for Petitioners

MR ST MEHTA APP for Respondent No. 1

NOTICE SERVED for Respondent No. 2

CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 03/03/2000

ORAL JUDGEMENT

Heard the learned advocate for the applicants and the learned A.P.P. for the State.

2. The learned advocate for the applicants submits that applicant No.3 has already passed away in 1994. After taking the court through the record, the learned advocate for the applicants has failed to show any order below the original Inquiry Application No.9/91 filed before the learned Judicial Magistrate, First Class, Matar. It is conceded by the learned advocate that the order impugned in the present application is not available even with himself. This court cannot quash and set aside any order without perusing the same, particularly in exercise of the powers under Section 482 of the Code of Criminal Procedure which are to be sparingly exercised.

3. In the circumstances, the Court finds no reason to make any order on merits of the application and it is rejected only on the ground that even the impugned order is not placed on record even after about ten years of the pendency of the matter. Rule is discharged with no order as to costs.

Sd/-

(KMG Thilake)

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